307

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COMMISSION ON HUMAN RIGHTS
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Agenda item 10

QUESTION OF THE HUMAN RIGHTS OF ALL PERSONS SUBJECTED TO ANY FORM OF DETENTION OR IMPRISONMENT

Australia, Austria, Costa Rica, Denmark*, Finland, Germany, Hungary, Italy, Netherlands, Norway* and Spain*: draft resolution

Human rights in the administration of justice

The Commission on Human Rights,

Guided by the principles embodied in articles 3, 5, 9, 10 and 11 of the Universal Declaration of Human Rights, as well as the relevant provisions of the International Covenant on Civil and Political Rights and its Optional Protocols,

Guided also by the relevant principles embodied in the Convention against Torture and Other Cruel, Inhuman and Degrading Treatment or Punishment, in the International Convention on the Elimination of All Forms of Racial Discrimination and in the Convention on the Elimination of All Forms of Discrimination against Women,

Reaffirming the opportunity offered to States parties to the International Covenant on Civil and Political Rights, if they so wish, to become parties to its Optional Protocols,

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* In accordance with rule 69, paragraph 3, of the rules of procedure of the functional commissions of the Economic and Social Council.

Welcoming the important work of the Sub-Commission on Prevention of Discrimination and Protection of Minorities in the field of human rights in the administration of justice, in particular regarding the independence of the judiciary, the independence of judges and lawyers, the right to a fair trial, habeas corpus, human rights and states of emergency, the question of arbitrary detention, the human rights of juveniles in detention, the privatization of prisons and the question of the impunity of perpetrators of violations of human rights,

Emphasizing the importance of properly coordinating the activities carried out by the Commission on Crime Prevention and Criminal Justice with the activities under the responsibility of the Commission on Human Rights in this field,

Guided by General Assembly resolution 48/137 of 20 December 1993,

Welcoming the work accomplished in this field by the United Nations within the framework of its programme of work in crime prevention and criminal justice,

Also welcoming resolution 1993/39 of 26 August 1993 of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, entitled "Independence of the judiciary",

Recognizing the central role of the administration of justice in the promotion and protection of human rights,

Mindful of the relevant recommendations relating to human rights in the administration of justice contained in the Vienna Declaration and Programme of Action, adopted by the World Conference on Human Rights, held at Vienna from 14 to 25 June 1993, in particular part I, paragraph 27 and part II, paragraph 69,

Discomforted by the reports of the Special Rapporteur on the question of torture and other cruel, inhuman or degrading treatment or punishment (E/CN.4/1994/31), of the Working Group on Enforced or Involuntary Disappearances (E/CN.4/1994/26 and Add.1) and of the Working Group on Arbitrary Detention (E/CN.4/1994/27), all reflecting continuing human rights violations in circumstances clearly indicating pertinent and widespread deficiencies in the systems of administration of justice,

Welcoming the important work of the Commission on Crime Prevention and Criminal Justice in the field of human rights in the administration of justice, as reflected in Economic and Social Council resolution 1993/34 of 27 July 1993, section III,

Noting that many human rights violations in the administration of justice are specifically or primarily directed against women and that the identification and reporting of these violations demand special vigilance,

Recalling its resolution 1993/41 of 5 March 1993,

1. Reaffirms the importance of the implementation of relevant United Nations standards on human rights in the administration of justice;

2. Reiterates once again its call to all Member States to spare no effort in providing for effective legislative and other mechanisms and procedures, as well as adequate resources, to ensure more effective implementation of these standards, taking into account the recommendations of the General Assembly in its resolution 43/153 of 8 December 1988 for the development of national strategies for this purpose;

3. Recognizes the important role that non-governmental organizations, including professional associations of lawyers and judges, can play in promoting human rights in the administration of justice;

4. Calls upon Member States to intensify efforts to identify discrimination and other human rights violations in the administration of justice that are specifically or primarily directed against women, and to provide for effective measures to remedy such violations;

5. Welcomes the special attention given to questions relating to the effective protection of human rights in the administration of justice by special rapporteurs and working groups in their recent reports, and calls upon them to continue to provide, wherever appropriate, specific recommendations in this regard, including proposals for concrete measures under the United Nations programme of advisory services and technical assistance in the field of human rights;

6. Stresses the desirability of States being provided, at their request, with continued assistance in the field of administration of justice, in

particular under the United Nations programme of advisory services and technical assistance;

7. Urges the Secretary-General to consider favourably requests for assistance by States in the field of the administration of justice, within the framework of the United Nations programme of advisory services and technical assistance, and to strengthen coordination activities in this field;

8. Strongly recommends, in this context, that the establishment of a comprehensive programme within the system of advisory services and technical assistance be considered in order to help States in the task of building and strengthening adequate national structures which have a direct impact on the overall observance of human rights and the maintenance of the rule of law;

9. Invites the Commission on Crime Prevention and Criminal Justice to pay particular attention to questions relating to the administration of justice and to explore ways and means of strengthening its cooperation with the Commission on Human Rights in this field, with special emphasis on the effective implementation of relevant norms and standards and the provision of technical assistance;

10. Draws the attention of the Ninth United Nations Congress on the Prevention of Crime and the Treatment of Offenders to the issues raised in the present resolution;

11. Decides to consider the question at its fifty-first session under the agenda item entitled, "Question of the human rights of all persons subjected to any form of detention or imprisonment".